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April 30, 2007

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Art Unit 1618

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application  
Appl. No. 10/734,625; Filed: December 15, 2003  
For: **Lipoxigenase Inhibitors as Hypolipidemic and Anti-Hypertensive Agents**  
Inventors: Allan *et al.*  
Our Ref: 1633.0400002/PAJ/TCS

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Requirement for Election of Species; and
2. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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PAJ/TCS/lam  
Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Allan *et al.*

Appl. No.: 10/734,625

Filed: December 15, 2003

For: **Lipoxygenase Inhibitors as  
Hypolipidemic and Anti-  
Hypertensive Agents**

Confirmation No.: 2541

Art Unit: 1618

Examiner: Fay, Zohreh A.

Atty. Docket: 1633.0400002/PAJ/TCS

**Reply to Requirement for Election of Species**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Action dated April 9, 2007, the Examiner requested an election of a single species for prosecution among:

- (a) acetohydroxamic acid derivatives;
- (b) phenyl pyrazoline derivatives;
- (c) 2-(12-hydroxydodeca-5,10-diynyl)-3,5,6-trimethyl-1,4-benzoquinone derivatives; and
- (d) 3-[1-(4-chlorobenzyl)-3-t-butyl-thio-5-isopropylindol-2-yl]-2,2-dimethyl propanoic acid derivatives.

Applicants hereby provisionally elect (b) phenyl pyrazoline derivatives as the 5-lipoxygenase inhibitors. Claims 5, 8 and 9, specifically read upon the provisionally elected species. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Upon the identification of otherwise allowable subject matter in a generic or linking claim, Applicants also request that the Examiner examine any remaining unelected species, according to 37 C.F.R. § 1.141(a).

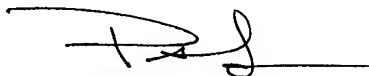
This provisional election is made **with traverse**.

It is respectfully submitted that these requirements for election of species are unnecessary. Searching all the species of the present invention together does not present a "serious burden" on the Examiner. MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions." (emphasis added)). There are only 4 alternative species, and the species are all 5-lipoxygenase inhibitors. Thus, a search for phenyl pyrazoline derivatives may reveal other compounds that interfere with the pathway of arachidonic acid metabolism, such as acetohydroxamic acid derivatives, 2-(12-hydroxydodeca-5,10-diynyl)-3,5,6-trimethyl-1,4-benzoquinone derivatives, and 3-[1-(4-chlorobenzyl)-3-t-butyl-thio-5-isopropylindol-2-yl]-2,2-dimethyl propanoic acid derivatives. Therefore, reconsideration and withdrawal of the Requirement for Election of Species, and consideration and allowance of all pending claims, are respectfully requested.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Peter A. Jackman  
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Date: April 30, 2007

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